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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,381	04/13/2004	Mir L. Ali	FER-15402	3359
7609 7590 07/06/2007 RANKIN, HILL, PORTER & CLARK, LLP 925 EUCLID AVENUE, SUITE 700 CLEVELAND, OH 44115-1405			EXAMINER WYROZEBSKI LEE, KATARZYNA I	
			ART UNIT 1714	PAPER NUMBER
			MAIL DATE 07/06/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/823,381	Applicant(s) ALI ET AL.	
	Examiner Katarzyna Wyrozebski	Art Unit 1714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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In view of applicant's amendment filed 5/7/2007 following is final office action. The applicant's arguments have been found unpersuasive and further clarification is required. The rejections of record as stated in office action dated 2/14/2007 are incorporated here by reference.

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over SOBAJIMA (US 5,883,175-4) in view of BREHM (US 7,019,048) and SKUBON (US 3,941,743) and in further view of BUSHELMAN (US 2006/0014876).

The discussions of the disclosures of SOBAJIMA, BREHM, SKUBON and BUSHELMAN from paragraphs 2 and 3 of the office action dated 2/14/2007 are incorporated here by reference.

In their response dated 5/07/2007 the applicants have argued the prior art of record. The applicants argued the purpose of each disclosure and why it would not be obvious to combine disclosures of the prior art of record.

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With respect to the above arguments, such are not considered commensurate with the scope of the claims. Applicant's invention simply claims a polymer blend. Applicants do not disclose in their claims specifically what they exactly do with the composition or disclose process or curing. The intended use of plastic articles is not viewed as limiting statement, since every composition utilized in the office action discloses a polymeric composition to make some sort of article. The examiner however will respond to the applicants arguments.

a) The applicants indicated that the prior art of SOBAJIMA is utilized for its recitation of talc filled polymers.

The applicants are correct. Aluminum, regardless what applicants refer to it in the specification is known not only as a filler but also as a pigment.

b) The prior art of BREHM and SKUBON discloses pigment particle sizes that fall outside of instantly claimed invention. Applicants accused examiner on improper hindsight.

BREHM was utilized for particle size and the examiner will withdraw this rejection at a later time. The withdrawal of this prior art will not affect the rejection, since particle size is also taught by BUSHELMAN.

SKUBON discloses different shapes of the aluminum component that is still usable in making molded article.

With respect to the improper hindsight accusations, argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight

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reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In the instant case shapes of the fillers, particle sizes and utilized polymers are all widely known to many skilled in the art.

c) The composition of SKUBON disclosed cured composition, wherein composition of the present invention is not cured. Aluminum particles are outside of instantly claimed invention.

With respect to the above argument, the processing of the composition is not within the scope of the claim. The prior art of SKUBON was not utilized for particle size, but for particle shape.

d) BUSHELMAN adds nothing to the disclosures above.

The applicants are incorrect. BUSHELMAN discloses aluminum filler in polymeric matrix, wherein aluminum utilized has particle size of at least 200 microns. The prior art of BUSHELMAN also adds why it is good to add up to 50 % by weight of filler such as talc to composition having large aluminum filler. Talc in such amounts improves smoothness of the composition.

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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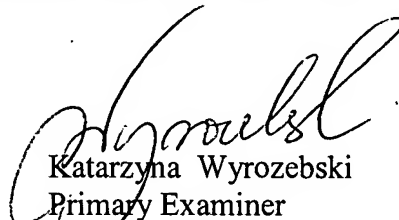
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katarzyna Wyrozebski whose telephone number is (571) 272-1127. The examiner can normally be reached on Mon-Thurs 6:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Katarzyna Wyrozebski
Primary Examiner
Art Unit 1714

July 2, 2007